

**EXHIBIT 5 TO
ANSWER AND COUNTERCLAIM
TO AMENDED COMPLAINT**

Fisher Broyles

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November 10, 2023

Trent H. Baker
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921 South Main Street #3147
Cedar City, UT 84720

Re: Frazer Industries, LLC's Buckmaster System

Dear Mr. Baker:

I am IP litigation counsel for Eteros and am writing to acknowledge your letter dated November 1, 2023. Please direct any further correspondence regarding this matter to my attention.

Our investigation of the allegations regarding U.S. Patent No. 11,766,066 ("the '066 Patent") has just commenced. However, we note that Frazer Industries, LLC has received considerable evidence demonstrating that its related patent CA 3,001,150 is invalid, by Mr. Manning's July 21, 2022 letter. After our comparison, we believe the '066 Patent claims are similarly invalid in view of the prior art use and sale of the Trimpro Bucker. Our detailed chart demonstrating the same are enclosed.

We also note that Frazer Industries, LLC did not disclose any of the prior publication or on-sale information to the U.S. Patent Office during prosecution of the '066 Patent (which issued over two months after receiving proof of prior use and sale of the Trimpro Bucker). In our view, this failure causes the '066 Patent to be not only invalid, but unenforceable. To wit, the '066 Patent would be unenforceable for failure to comply with Frazer's duty of disclosure pursuant to 37 CFR § 1.56, as the prior use, sale and publication of the Trimpro Bucker's machine assembly and user instructions were all available before the critical date of the '066 Patent.

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Notwithstanding the apparent issues of invalidity and unenforceability surrounding Frazer's patents, I wish to convey that Eteros takes these allegations seriously, and will respond to any bona fide claim of infringement. Please understand that we do not waive or intend to waive any claim or defense by its omission from this letter.

Our team will continue analyzing the '066 Patent and be in touch with our findings in due course.

Sincerely,

FISHERBROYLES, LLP



IAN R. WALSWORTH

CC: PATRICIA HO, ESQ.
RUSSELL MANNING, ESQ.